

Adopted	Rejected
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COMMITTEE REPORT

YES: 11

NO: 1

MR. SPEAKER:

Your Committee on **Judiciary**, to which was referred Senate Bill 54, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 34-6-2-3.3 IS ADDED TO THE INDIANA
- 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2005]: **Sec. 3.3. (a) "Advertiser or sponsor",**
- 6 **for purposes of IC 34-30-21, means a person who for political,**
- 7 **commercial, educational, benevolent, or charitable purposes:**
- 8 **(1) donates or contributes money, materials, or products; or**
- 9 **(2) pays fees to advertise or display trademarks;**
- 10 **in connection with an event.**
- 11 **(b) The term does not include a person who exercises primary**
- 12 **control over an event.**
- 13 SECTION 2. IC 34-6-2-44.3 IS ADDED TO THE INDIANA
- 14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 15 [EFFECTIVE JULY 1, 2005]: **Sec. 44.3. "Event", for purposes of**
- 16 **section 3.3 of this chapter and IC 34-30-21, means:**

- 1 **(1) a performance;**
- 2 **(2) a benefit;**
- 3 **(3) a fundraiser;**
- 4 **(4) an auction;**
- 5 **(5) a meal;**
- 6 **(6) a concert;**
- 7 **(7) a sporting event;**
- 8 **(8) a festival;**
- 9 **(9) a parade;**
- 10 **(10) a reception;**
- 11 **(11) a trade show;**
- 12 **(12) a convention;**
- 13 **(13) an educational program; or**
- 14 **(14) another occasion organized by or for a federally**
- 15 **tax-exempt organization."**

16 Page 1, after line 17, begin a new paragraph and insert:

17 "SECTION 4. IC 34-30-21 IS ADDED TO THE INDIANA CODE
18 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2005]:

20 **Chapter 21. Events: Immunity of Advertiser or Sponsor**

21 **Sec. 1. This chapter does not grant immunity from civil liability**
22 **to the following:**

- 23 **(1) A person who engages in intentional, willful, wanton, or**
- 24 **reckless behavior.**
- 25 **(2) A person who contractually assumes civil liability in**
- 26 **connection with an event.**
- 27 **(3) A person who fails to exercise reasonable care in**
- 28 **connection with the direction or control of an event.**
- 29 **(4) A person who provides defective materials or products or**
- 30 **fails to exercise reasonable care in providing materials or**
- 31 **products.**

32 **Sec. 2. An advertiser or sponsor of an event is immune from civil**
33 **liability for the acts or omissions of:**

- 34 **(1) the advertiser or sponsor; and**
- 35 **(2) any other person;**
- 36 **in connection with the event.**

37 **Sec. 3. An advertiser or sponsor of an event may not be**
38 **considered to be:**

- 1 **(1) part of a joint venture;**
- 2 **(2) the principal of an agent; or**
- 3 **(3) the employer of an employee;**
- 4 **with regard to a person participating in the event in a capacity**
- 5 **other than that of an advertiser or sponsor."**
- 6 Renumber all SECTIONS consecutively.
 (Reference is to SB 54 as printed February 11, 2005.)

and when so amended that said bill do pass.

Representative Foley